

SDNY (Rev. 10/2006) Pro Hac Vice Motion to Admit Counsel

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

James Conn, Individually, Plaintiff,
et al.

07 cv 11626 (LBS)

- against -

Merrill Lynch & CO, et al. Defendant.

MOTION TO ADMIT COUNSEL
PRO HAC VICE

PURSUANT TO RULE 1.3(c) of the Local Rules of the United States District Courts for the
Southern and Eastern Districts of New York, I, Adam Prussin a member in good standing of
the bar of this Court, hereby move for an Order allowing the admission pro hac vice of

Applicant's Name: Mark C. Molumphy
Firm Name: Cotchett Pitre & McCarthy
Address: 840 Malcolm Road, Ste. 200
City/State/Zip: Burlingame, CA 94010
Phone Number: (650) 697-6000
Fax Number: (650) 697-0577

Mark C. Molumphy is a member in good standing of the Bar of the States of
California

There are no pending disciplinary proceeding against Mark C. Molumphy
in any State or Federal court.

Dated: Feb. 20, 2008
City, State: New York, NY

Respectfully submitted,

Handwritten signature of Adam Prussin

Sponsor's *Adam Prussin*
SDNY Bar *1304492 NP 1503*
Firm Name: POMERANTZ HADEK BLOCK GROSSMAN & GROSS LLP
Address: 100 Park Avenue
City/State/Zip: New York, NY 10017
Phone Number: (212) 661-1100
Fax Number: (212) 661-8665

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

James Conn, Individually, Plaintiff,
et al.

07 cv11626 (LBS)

- against -
Merrill Lynch & CO., et al. Defendant.

ORDER FOR ADMISSION
PRO HAC VICE
ON WRITTEN MOTION

Upon the motion of Adam Prussin attorney for Plaintiff James Conn
and said sponsor attorney's affidavit in support;

IT IS HEREBY ORDERED that

Applicant's Name: Mark C. Molumphy
Firm Name: Cotchett Pitre & McCarthy
Address: 840 Malcolm Road, Ste. 200
City/State/Zip: Burlingame, CA 94010
Telephone/Fax: 650-697-6000/ 650-697-0577
Email Address: mmolumphy@cpmlegal.com

is admitted to practice pro hac vice as counsel for Plaintiff James Conn in the above
captioned case in the United States District Court for the Southern District of New York. All attorneys
appearing before this Court are subject to the Local Rules of this Court, including the Rules governing
discipline of attorneys. If this action is assigned to the Electronic Case Filing (ECF) system, counsel shall
immediately apply for an ECF password at nysd.uscourts.gov. Counsel shall forward the pro hac vice
fee to the Clerk of Court.

Dated:
City, State:

United States District/Magistrate Judge

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Attorneys for James Conn

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

**LIFE ENRICHMENT FOUNDATION,
individually and on behalf of all others
similarly situated,**

Plaintiff,

-against-

**MERRILL LYNCH & CO., INC., E.
STANLEY O'NEAL, AHMASS L.
FAKAHANY, GREGORY J. FLEMING, and
JEFFREY N. EDWARDS.**

Defendants.

Civil Action No. 07 Civ. 09633 (LBS)

[Additional captions on succeeding pages.]

**AFFIDAVIT OF H. ADAM PRUSSIN IN SUPPORT OF MOTION TO ADMIT
COUNSEL PRO HAC VICE**

**MICHAEL J. SAVENA, Individually and on
behalf of all others similarly situated,**

Plaintiff,

-against-

**MERRILL LYNCH & CO., INC., E.
STANLEY O'NEAL, AHMASS L.
FAKAHANY, GREGORY J. FLEMING, and
JEFFREY N. EDWARDS.**

Defendants.

Civil Action No. 07 Civ. 09837 (LBS)

**GARY KOSSEFF, Individually and On
Behalf of All Others Similarly Situated,**

Plaintiff,

-against-

**MERRILL LYNCH & CO., INC., E.
STANLEY O'NEAL, AHMASS L.
FAKAHANY, GREGORY J. FLEMING, and
JEFFREY N. EDWARDS.**

Defendants.

Civil Action No. 07 Civ. 10984 (LBS)

**ROBERT R. GARBER, Individually and on
behalf of all others similarly situated,**

Plaintiff,

-against-

**MERRILL LYNCH & CO., INC., E.
STANLEY O'NEAL, AHMASS L.
FAKAHANY, GREGORY J. FLEMING, and
JEFFREY N. EDWARDS.**

Defendants.

Civil Action No. 07 Civ. 11080 (LBS)

**JAMES CONN, Individually and On Behalf
of All Others Similarly Situated,**

Plaintiff,

-against-

**MERRILL LYNCH & CO., INC., E.
STANLEY O'NEAL, JEFFREY N.
EDWARDS, LAWRENCE A. TOSI,
ARMANDO M. CODINA, VIRGIS W.
COLBERT, ALBERTO CRIBIORE,
JOHN D. FINNEGAN, JUDITH MAYHEW
JONAS, AULANA L. PETERS, JOSEPH W.
PRUEHER, ANN N. REESE, and CHARLES
O. ROSSOTTI,**

Defendants.

Civil Action No. 07 Civ. 11626 (LBS)

State of New York)
) ss.
County of New York)

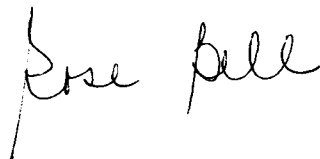
H. Adam Prussin, being duly sworn, hereby deposes and says as follows:

1. I am a partner at the firm of Pomerantz, Haudek, Block, Grossman & Gross, LLP, counsel for Plaintiff in the above captioned action. I am familiar with the proceedings in this case. I make this statement based on my personal knowledge of the facts set forth herein and in support of Plaintiff's motion to admit Mark C. Molumphy as counsel *pro hac vice* to represent Plaintiff in this matter.
2. I am a member in good standing of the bar of the state of New York, and was admitted to practice law in March of 1975. I am also admitted to the bar of the United States District Court of the Southern District of New York, and am in good standing with this Court.
3. I have known Mark C. Molumphy for about five years.
4. Mr. Molumphy is an attorney at Cotchett Pitre & McCarthy, in Burlingame, California.
5. I have found Mr. Molumphy to be a skilled attorney and a person of integrity. He is experienced in Federal Practice and is familiar with the Federal Rules of Procedure.
6. Accordingly, I am pleased to move the admission of Mark C. Molumphy, *pro hac vice*.
7. I respectfully submit a proposed order granting admission of Mark C. Molumphy, *pro hac vice*, which is attached hereto as Exhibit A.

WHEREFORE, it is respectfully requested that the motion to admit Mark C. Molumphy, *pro hac vice*, to represent Plaintiff in the above captioned matter, be granted.

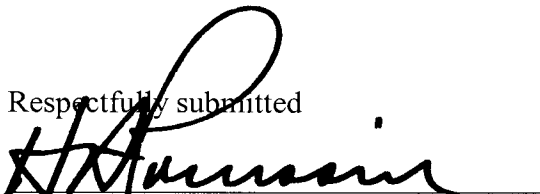
Dated: February 20, 2008
New York, New York

Notarized:



ROSE BELL
Notary Public, State of New York
No. 01BE4514847
Qualified in New York County
Commission Expires July 31, 2009

Respectfully submitted



H. Adam Prussin
S.D.N.Y. Bar Code: HP1503

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Attorneys for James Conn

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

**LIFE ENRICHMENT FOUNDATION,
individually and on behalf of all others
similarly situated,**

Plaintiff,

-against-

**MERRILL LYNCH & CO., INC., E.
STANLEY O'NEAL, AHMASS L.
FAKAHANY, GREGORY J. FLEMING, and
JEFFREY N. EDWARDS.**

Defendants.

Civil Action No. 07 Civ. 09633 (LBS)

[Additional captions on succeeding pages.]

CERTIFICATE OF SERVICE

**MICHAEL J. SAVENA, Individually and on
behalf of all others similarly situated,**

Plaintiff,

Civil Action No. 07 Civ. 09837 (LBS)

-against-

**MERRILL LYNCH & CO., INC., E.
STANLEY O'NEAL, AHMASS L.
FAKAHANY, GREGORY J. FLEMING, and
JEFFREY N. EDWARDS.**

Defendants.

**GARY KOSSEFF, Individually and On
Behalf of All Others Similarly Situated,**

Plaintiff,

Civil Action No. 07 Civ. 10984 (LBS)

-against-

**MERRILL LYNCH & CO., INC., E.
STANLEY O'NEAL, AHMASS L.
FAKAHANY, GREGORY J. FLEMING, and
JEFFREY N. EDWARDS.**

Defendants.

**ROBERT R. GARBER, Individually and on
behalf of all others similarly situated,**

Plaintiff,

-against-

**MERRILL LYNCH & CO., INC., E.
STANLEY O'NEAL, AHMASS L.
FAKAHANY, GREGORY J. FLEMING, and
JEFFREY N. EDWARDS.**

Defendants.

Civil Action No. 07 Civ. 11080 (LBS)

**JAMES CONN, Individually and On Behalf
of All Others Similarly Situated,**

Plaintiff,

-against-

**MERRILL LYNCH & CO., INC., E.
STANLEY O'NEAL, JEFFREY N.
EDWARDS, LAWRENCE A. TOSI,
ARMANDO M. CODINA, VIRGIS W.
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JONAS, AULANA L. PETERS, JOSEPH W.
PRUEHER, ANN N. REESE, and CHARLES
O. ROSSOTTI,**

Defendants.

Civil Action No. 07 Civ. 11626 (LBS)

I hereby certify that on February 19, 2008, I filed true and correct copies of the **MOTION TO ADMIT COUNSEL PRO HAC VICE** with the Clerk of Court via hand delivery. I have also mailed copies of the foregoing documents to be served via U.S. mail to the parties listed below:

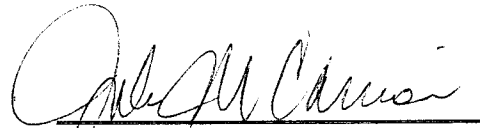
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THE STATE BAR OF CALIFORNIA

MEMBER SERVICES CENTER

180 HOWARD STREET, SAN FRANCISCO, CALIFORNIA 94105-1639

TELEPHONE: 888-800-3400

February 13, 2008

TO WHOM IT MAY CONCERN:

This is to certify that according to the records of the State Bar, MARK COTTON MOLUMPHY, #168009 was admitted to the practice of law in this state by the Supreme Court of California on December 14, 1993; and has been since that date, and is at date hereof, an ACTIVE member of the State Bar of California; and that no recommendation for discipline for professional or other misconduct has ever been made by the Board of Governors or a Disciplinary Board to the Supreme Court of the State of California.

THE STATE BAR OF CALIFORNIA

Kath Lambert
Custodian of Membership Records

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Attorneys for James Conn

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SOUTHERN DISTRICT OF NEW YORK**

**LIFE ENRICHMENT FOUNDATION,
individually and on behalf of all others
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Plaintiff,

-against-

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Civil Action No. 07 Civ. 09633 (LBS)

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Civil Action No. 07 Civ. 09837 (LBS)

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Plaintiff,

-against-

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-against-

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